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AF



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Examiner: Kristie D. Shingles
)	
Ricky F. Combest)	Group Art Unit: 2143
)	
Serial No.: 09/539,662)	Confirmation No.: 8540
)	
Filed: March 30, 2000)	Atty. Docket No.: 114944-00208
)	
For: DYNAMIC VIRTUAL NETWORK)	August 15, 2005
AND METHOD)	(August 13 was a Saturday)

**REQUEST FOR NEW OFFICE ACTION AND
RESTARTING OF TIME PERIOD FOR RESPONSE AND
TRAVERSAL OF FINALITY OF OFFICE ACTION**

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Final Rejection mailed July 13, 2005, has been carefully considered. In response thereto, the Applicant respectfully requests the mailing of a new, non-final Office Action with a time period for response restarted to begin with the mailing date of that new Office Action.

I. The Final Rejection does not put the Applicant on notice of the reasons for rejection.

The Final Rejection does not comply with 37 C.F.R. § 1.104 in that it does not set forth the reasons for rejection sufficiently to allow the Applicant to respond. For example, while claim 1 is rejected over *Schneider et al* in view of *Weschler*, claim 5, which depends from claim 1, is rejected over *Kleinpeter II et al* in view of *Schneider et al*, without *Weschler*. Such a ground of rejection is not logically possible and thus provides the Applicant with no basis for

traversing it.. Therefore, the Applicant respectfully requests a new Office Action, clearly setting forth the grounds of rejection.

II. The Office Action should not have been made final.

The Final Rejection contains at least one new ground of rejection not necessitated by amendment, namely, the rejection of un-amended independent claim 28 under 35 U.S.C. § 103(a) over *Kleinpeter III et al* in view of *Schneider et al*. That claim was previously rejected under 35 U.S.C. § 102(e) over *Schneider et al* and has not been amended since.

For the reasons set forth above, the Applicant respectfully requests a new, non-final Office Action and a restarted time period for response.

In the event there are any questions relating to this Response or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

The Applicant respectfully submits that no fee is due. However, the Office is authorized to charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (114944-00208).

Respectfully submitted,

By: 

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Date:

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